

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101**

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

**BEFORE THE ADMINISTRATOR**

<b>In the Matter of</b>	)	
	)	
<b>ALTER TRADING CORPORATION</b>	)	<b>Docket No. TSCA-07-2004-0161</b>
	)	
<b>Respondent.</b>	)	<b>CONSENT AGREEMENT AND FINAL</b>
	)	<b>ORDER</b>

**PRELIMINARY STATEMENT**

This proceeding for the assessment of civil penalties was initiated pursuant to § 16(a) of The Toxic Substances Control Act ( hereinafter "TSCA" ), 15 U.S.C. § 2615(a), as amended. The United States Environmental protection Agency ( Complainant or EPA ) issued to Alter Trading Corporation ( Respondent ), a Complaint and Notice of Opportunity for Hearing.

The Complaint charged Respondent with five counts of violating § 15 of TSCA, 15 U.S.C. § 2614(1), by failing to comply with the requirements of 40 C.F.R. §§ 761.65(b), 761.40, 761.45(a), 761.65(c), and 761.65(a), promulgated pursuant to § 6(e) of TSCA, 15 U.S.C. § 2605(e).

Subsequently, Complainant and Respondent entered into negotiations in an attempt to resolve the Complaint. The Consent Agreement and Final Order ( CAFO ) set forth herein below is the result of these negotiations and represents settlement of this Complaint.

## **CONSENT AGREEMENT**

It is hereby agreed and accepted by Respondent, that:

1. This Consent Agreement is being entered into by the parties in full settlement of the allegations in the Complaint. Upon completion of the terms and conditions of this Consent Agreement and Final order, Respondent is released from all civil penalties that might have attached as a result of the allegations in the Complaint. Respondent has read the Consent Agreement, finds it reasonable and consent to the issuance and its terms and explicitly waives its right to a hearing on the Complaint, this Agreement, or the attached Final Order.

2. Respondent admits the jurisdictional allegations of the Complaint and admits the facts stipulated in this Consent Agreement.

3. Respondent neither admits nor denies the violations set forth in the Complaint.

4. Respondent certifies by signing this Consent Agreement and Final Order that it is presently in compliance with TSCA, 15 U.S.C. § 2601 et seq., and all regulations promulgated thereunder.

5. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulations administered by the U.S. Environmental Protection Agency.

6. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as deductions for federal, state, or local income tax purposes.

7. Each party shall bear its own costs and attorneys' fees in this action resolved by this Consent Agreement.

8. Each signatory of this Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

9. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty as specified in paragraph 2 of this Consent Order.

### **FINAL ORDER**

Pursuant to the provisions of the Toxic Substances Control Act ( TSCA ), 15 U.S.C. § 2601 et seq., and based upon the information set forth in the Consent Agreement accompanying this Final Order, IT IS HEREBY ORDERED THAT:

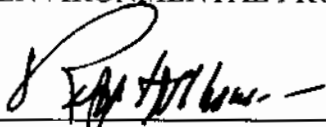
1. Respondent shall remain in compliance with TSCA and all regulations promulgated thereunder.

2. Respondent, in settlement of the allegations set forth in this Complaint, shall pay by cashier's or certified checks a mitigated civil penalty, for the violation cited herein, in the amount of Ten Thousand and Ten Dollars ( \$10,010.00 ), payable to the "Treasurer, United States of America", and the check shall be mailed to: U.S. EPA-Region VII ( Regional Hearing Clerk ), c/o Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251. The payment shall be identified as In the Matter of Alter Trading Corporation. A copy of the check shall be forwarded to Rupert G. Thomas, Office of Regional Counsel, Region VII, U.S. EPA, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101. The payment shall be made within thirty days of the effective date of the Final Order. The effective date of this Order shall be the date on which it is signed by the Regional Judicial Officer.

3. If payment of a civil penalty is not received on or before the due date, interest will be assessed at the rate established by the Secretary of the Treasury, pursuant to 31 U.S.C. § 3717.

The interest will be assessed from the due date through the date of payment.

COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY

By:   
Rupert G. Thomas  
Attorney  
Office of Regional Counsel

Date: 6/24/04


RESPONDENT:  
ALTER TRADING CORPORATION

By: 

Title: Attorney / Counsel for Alter Trading

Date: June 21, 2004

IT IS SO ORDERED. This Order becomes effective immediately.

  
Robert L. Patrick  
Regional Judicial Officer  
Region VII

Date: June 25, 2004

IN THE MATTER OF Alter Trading Corporation, Respondent  
Docket No. TSCA-07-2004-0161

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Rupert G. Thomas  
Senior Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

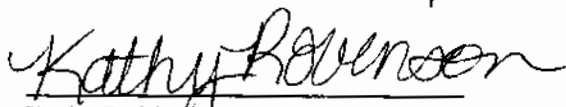
Copy by U.S. Certified Mail,  
Return Receipt Requested, to:

Curtis E. Bason, Esq.  
Troy A. Howell, Esq.  
Lane & Waterman LLP  
220 North Main Street, Suite 600  
Davenport, Iowa 52801-1987

Copy by Facsimile and  
First Class Pouch Mail to:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
U. S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D. C. 20460

Dated: 6/28/04

  
Kathy Robinson  
Regional Hearing Clerk